

U.S.A. Management, Inc., d/b/a Washington National Hilton Hotel and Hotel & Restaurant Employees Local 25, AFL-CIO-Hotel Employees and Restaurant Employees International Union, AFL-CIO, Petitioner. Case 5-RC-14405

February 27, 1997

DECISION AND ORDER

CHAIRMAN GOULD AND MEMBERS FOX AND HIGGINS

The National Labor Relations Board, by a three-member panel, has considered objections to an election held December 6, 1996, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots showed 70 for and 65 against the Petitioner.

The Board has reviewed the record in light of the exceptions¹ and brief and has adopted the Regional Director's findings² and recommendations.

In its Objection 5, the Employer alleged that the Union interfered with the election by offering to put union supporters in contact with a Washington Post re-

porter who was doing a story on union organizing, so that they might get their names and, perhaps, pictures in the paper.³ The Employer argues that this inducement to vote for the Union was made in the context of other alleged union conduct, including offering financial inducements, which the Regional Director recommended be addressed at a hearing.

The Regional Director found no case law to support the Employer's contentions concerning Objection 5. He therefore found insufficient reason to conclude that the Union's conduct was objectionable under the circumstances, and recommended that Objection 5 be overruled. We adopt his recommendation, because we find that the Employer has failed to show that this claimed inducement constituted a tangible, substantial, and direct benefit to employees that had a tendency to interfere with their free choice in the election.⁴ Indeed, it has failed to show that the Union's alleged conduct in this regard possessed any of those characteristics, even considered in the context of the other allegedly objectionable actions. We therefore overrule Objection 5.

ORDER

IT IS ORDERED that this proceeding is remanded to the Regional Director for Region 5 for the purpose of holding a hearing on the Employer's Objections 1, 2, 4, and 7, and for further appropriate action thereafter.

¹ In the absence of exceptions, we adopt pro forma the Regional Director's approval of the Employer's withdrawal of its Objections 3 and 6 and his recommendations concerning the Employer's Objections 1, 2, 4, 7, and 8.

² As the Employer has noted, the Regional Director incorrectly stated that the Employer denied having been offered an opportunity to participate in the Washington Post story on which its Objection 5 is based. The Employer was offered the opportunity but declined. This error does not affect the validity of the Regional Director's recommendation that Objection 5 be overruled.

³ We note that the affidavit of the employer official submitted with its exceptions asserts only that employees were asked if they wanted to speak with the reporter "about why they supported the union."

⁴ *House of Raeford Farms*, 317 NLRB 26 (1995).